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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,293	09/17/2003	Ciprian Agapi	BOC9-2003-0062 (435)	4561
40987	7590	10/18/2006	EXAMINER	
AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			PENDER, JOSHUA	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/664,293	Applicant(s) AGAPI ET AL.	
	Examiner Joshua Pender	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/21/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1 and 7 are objected to because of the following informalities:

Claims 1 and 7 both disclose sorting by a second attribute but never teaches what the first attribute is. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-11, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Microsoft Windows XP (*MS Windows*).

As to claim 1, MS Windows discloses a method of arranging user-modified variable names (see *Fig. 2 e.g. items 250(a)(b)(c)*) in a presentation list (see *Fig.2 e.g. item 210*), comprising the steps of: receiving a system request to display (see *Fig. 2 clicking item 200 brings up item 210*) variables in the presentation list (see *Fig.2 e.g. item 210*); and sorting the variables by giving

user-named variables greater priority over system-named variables and then sorting by a second attribute (*see Fig. 2 e.g. sorting is shown by area 220 being system-named and area 230 being user-named*).

Claim 14 is similar in scope to claim 1, and is therefore rejected under similar rationale.

As to claim 2, MS Windows discloses wherein the method further comprises the step of displaying the variables when a user selects the variables using a drop-down control (*see Fig. 2 after clicking item 200, presentation list 210 being a drop-down style menu appears*).

As to claim 3, MS Windows discloses wherein the method further comprises the step of distinguishing between a user-named variable (250(a)(b)(c)) and a system-named variable (260) (*see Fig 2. where item 240 divides areas 220 and 230 to easily distinguish between user-named and system-named variables*).

As to claim 4, MS Windows discloses wherein the step of distinguishing is accomplished using at least one among labeling and text formatting (*see Fig. 2 e.g. items 250(a)(b)(c) are labeled "User Created" which falls under text formatting and labeling to distinguish from system-named*)

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As to claim 5, MS Windows discloses wherein the second criteria is an alphabetical order (*see Fig. 3 where another drop down menu 300 is displayed showing a sort command and the items in the user-named area 230 are sorted alphabetically*).

Claim 15 is similar in scope to claim 5, and is therefore rejected under similar rationale.

Claims 7-11 are similar in scope to claims 1-5, and are therefore rejected under similar rationale. However, MS Windows does not disclose “memory” and “processor”. However, these components would have been inherent to MS Windows in order to allow the method to perform as expected/required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 12-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Windows XP (*MS Windows*) in view of Liu (US 5,706,449).

As to claim 6, note the discussion of MS Windows above. MS Windows does not disclose wherein the second criteria is a chronological order. Liu teaches wherein the second criteria is a chronological order (see column 5 lines 49-50). It would have been obvious to one of ordinary skill in the art to use presentation list of MS Windows with the chronological sorting as taught by Liu because it provides a method and system for providing improved controls in graphical user interface (see column 2 lines 59-60).

Claim 12 is similar in scope to claim 6, and is therefore rejected under similar rationale.

As to claim 13, Liu teaches wherein the presentation list (32) is at least one among a drop-down list (see column 4 lines 41-43) and a list box (see column 4 lines 41-44).

Claim 16 is similar in scope to claim 6, and is therefore rejected under similar rationale.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alimpich (US 5,872,568) teaches creating a list from pre-defined and user values. Beechick (US 5,218,700) teaches sorting a list of items.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Pender whose telephone number is 571-270-1045. The examiner can normally be reached on M-Th, 7:30am - 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP

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10/11/06

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